## LEGISLATION.

### THE TRAVANCORE NAMPUTIRI BILL.

**MR. C. N. TUPPAN NAMPUTIRI** (*Jenmies*): സർ, നമ്പൂതിരിമാരുടെ കുടുംബഭരണത്തെ നിയന്ത്രിക്കുന്നതിനും അനന്തിരവന്മാരുടെ അവകാശങ്ങളെ ക്രമപ്പെടുത്തുന്നതിനും ഉള്ള ഒരു ബിൽ അവതരിപ്പിക്കുവാൻ ഞാൻ ഈ സഭയുടെ അനുവാദത്തിന് അപേക്ഷിച്ചുകൊള്ളുന്നു. ഞാൻ ഹാജരാക്കാൻ ഉദ്ദേശിക്കുന്ന ബിൽ നമ്പൂതിരി തറവാട്ടുകളുടെ ഭരണത്തെ നന്നാക്കി വ്യവസ്ഥപ്പെടുത്തുവാനും കാരണവന്മാരുടേയും ഇളമുറക്കാരുടേയും അധികാരാവകാശങ്ങളെ നിർവ്വചിച്ചു നിയന്ത്രിക്കയും പിൻതുടർച്ചയെ പറ്റി വിവരിക്കയും ചെയ്യാൻ ഉദ്ദേശിക്കപ്പെട്ടിരിക്കുന്നു. നമ്പൂതിരി സമുദായത്തിന്റെ പ്രതിനിധ്യം വഹിക്കുന്ന നമ്പൂതിരിയോഗക്ഷേമ മഹാസഭ ഈവക തത്വങ്ങളെ സാമാന്യമായി സ്വീകരിച്ചുംകൊണ്ട് ഒരു ബിൽ രൂപീകരിക്കാൻ ശ്രമിക്കയും എന്നോട് ആവശ്യപ്പെടുകയും ചെയ്തിട്ടുണ്ട്. കാലസ്ഥിതിക്കും സമുദായത്തിന്റെ സത്വരമായ പുരോഗതിക്കും ഈവിധമൊരു നിയന്ത്രണം നമ്പൂതിരിതറവാട്ടുകൾക്ക് അത്യന്താവശ്യകമാണെന്നാണ് എന്റെ അഭിപ്രായം. സമുദായത്തിലെ പ്രമാണികന്മാരായ അംഗങ്ങളിൽ പലരും ഈവിധം അഭിപ്രായം പുറപ്പെടുവിച്ചിട്ടും ഉണ്ട്. എന്റെ അന്വേഷണത്തിലും അറിവിലും ബില്ലിന്റെ ആവിർഭാവത്തെ സമുദായം അക്ഷമയോടെ കാത്തുകൊണ്ടിരിക്കയാണ് ചെയ്യുന്നത്.

**MR. G. PARAMESVARAN PILLAI** (*Neyyattinkara*): May I point out Sir, that an explanatory statement need be made only if the motion for leave to introduce the Bill is opposed ?

**PRESIDENT**: Yes, Mr. Tuppan Namputiri may continue.

**MR. C. N. TUPPAN NAMPUTIRI** (*Jenmies*): തറവാട്ടുഭരണത്താൽ കാരണവന്മാർക്കുള്ള അനിയന്ത്രിതമായ അധികാരാവകാശങ്ങൾമൂലം നമ്പൂതിരി തറവാട്ടുകൾ പ്രായേണ ക്ഷയിച്ചുവന്നുകൊണ്ടാണ് ഇരിക്കുന്നത്. ഇളമുറക്കാരുടെ അധികാരാവകാശങ്ങളെ കാരണവന്മാർ സ്വയമായി ഇന്ന് അനുവദിച്ചുകൊടുക്കാറില്ല. ഇതുനിമിത്തം ഛിദ്രവും വ്യവഹാരങ്ങളും ആവിർഭവിച്ചിട്ടില്ലാ ഇല്ലങ്ങൾ ഇന്ന് അവിടെ കാണ്മാനുണ്ട്. അവ്യവസ്ഥിതമായ തറവാട്ടുഭരണംമൂലം അംഗങ്ങളിൽ ഉണ്ടാകേണ്ട പരസ്പരവിശ്വാസവും സഹകരണബോധവും നശിച്ചുവരുന്നു. ഇതിനെ തടഞ്ഞു ഏകയോഗക്ഷേമമായ കുടുംബത്തിൽ കാരണവന്മാരേയും അനന്തിരവന്മാരേയും പരസ്പരം സഹകരണബുദ്ധിയോടെ

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ജീവിപ്പാൻ പര്യാപ്തമായ വ വസ്ഥകളെ ഉറപ്പിക്കയാകുന്ന ഈ ബില്ലു കൊണ്ടുദ്ദേശിക്കപ്പെട്ടന്നത്. ആദായവിഹിതം അംഗങ്ങൾക്ക് അനുഭവിപ്പാറാക്കുന്നതിലും പിൻതുടർച്ചാവകാശത്തെ ഉറപ്പിക്കുന്നതിലും ബില്ലിൽ ചില വകുപ്പുകൾ അടങ്ങിട്ടുണ്ട്.

ഇപ്പറഞ്ഞ സാമാന്യതത്വങ്ങൾ അടങ്ങീട്ടുള്ള ബില്ലിനെ ഈ സ്ഭയുടെ ആലോചനക്കായി അവതരിപ്പിക്കുവാൻ ഞാൻ അനുവാദം ചോദിച്ചുകൊള്ളുന്നു.

**MR. C. P. TARAKAN** (*Kunnatnad*): I second the motion.

The question whether Mr. Tuppan Namputiri had the leave of the House to introduce the Travancore Namputiri Bill was put to the vote of the House and carried.

## THE NAYAR REGULATION AMENDING BILL.

**MR. G. RAMAN MENON** (*Mavelikara cum Kartikapalli*): Sir, I beg to move that leave may be granted to introduce a bill to amend the Nayar Regulation, II of 1100. One year and three months have elapsed since the Regulation came into operation and more than one year and seven months since the Regulation was passed. In moving for leave to introduce certain amendments to the Regulation I feel it my duty first of all to express my heart-felt thanks on behalf of my constituency to Her Highness the Maha Rani Regent of Travancore, the Government and the Members of the former Legislative Council for passing the Nayar Regulation, II of 1100. I wish to make it quite clear that my motion for leave to introduce certain amendments to the Regulation does not in any way detract from my deep sense of appreciation for the solid and beneficial work done by the former members in this connection. Human progress consists mainly in piecemeal improvements in the light of experience. I confine my amendments to a few matters which have been pressed on me by some of my constituents and others who have had direct personal experience of the troubles caused by three of the Sections of the present Regulation. These troubles have also come within my personal knowledge. Further, the members who were mainly instrumental in shaping and defending the main provisions of the Regulation were very much obstructed in their work by opposition to some of the fundamental principles of the Bill from certain quarters. The supporters of the Bill had therefore to confine their attention to the main principles and had to drop several amendments for want of time and for fear that the Bill may not get passed through the Council at all. Under these circumstances, it is no wonder that the Regulation stands in need of certain amendments. The amendments now proposed by me are not new. They were embodied in the report of the committee appointed to suggest the necessary changes in the Bill, by the Samasta Keraliya Nayar Samajam which met at Quilon when the Bill was under consideration in the Legislative Council. As I said



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before, owing to the exigencies of time and the pressure of opposition and obstruction, the supporters of the Bill in the Council were unable to press all the amendments to the Bill.

I shall now briefly describe the amendments proposed by me. The first amendment is this.

In sub-section (2) of Section 3 of the Travancore Nayar Regulation, II of 1100, between the word "male" and the word "whether" add the following: "Or by the mutual consent of the parties evidenced by a registered document".

Section 3 runs as follows :

"The conjugal union of a Nayar female, subject to the restrictions of consanguinity and affinity, with—

(i) a Nayar male, or

(ii) any male other than a Nayar with whom conjugal union is permitted according to recognised social custom and usage, openly solemnised by the presentation of cloth to the female by the male, whether so solemnised before the date on which Regulation I of 1088 came into force and subsisting on such date or so solemnised subsequent to that date, shall be deemed to be a valid marriage for all legal purposes:"

That is the Section as it now stands. The object of the amendment is to include among valid marriages those marriages which have been solemnised by the mutual consent of the parties evidenced by a registered document. In considering the nature of this amendment, we should guard against certain misconceptions. It is said that this amendment is likely to encourage improper or undesirable marriages. Improper or undesirable marriages do take place in the Nayar community as well as in other communities. The number of such marriages will not in any way be increased by the proposed amendment. On the other hand, it only prevents some at least of the marriages from degenerating into concubinage and ruining the lots of trustful and simple-minded women. Again, it is said that the legalisation of marriages entered into by means of registered documents will undermine the restraint exercised by society in discouraging undesirable marriages. I submit that all the legitimate social restraints that can be exercised in the matter are safeguarded by the Regulation. These safeguards will in no way be decreased by the proposed amendment. If at all, they will only be strengthened. But, certain illegitimate restraints exercised by some selfish and narrow-minded Karanathans in the marriages of their poorer or less influential neighbours may be liable to be frustrated by the amendment. This is by no means an evil. It will be a great blessing to independent persons who live by their own work and who do not like to dance attendance and curry favour with the Karanathans.

A marriage by a registered document will involve only the expenditure of about six rupees. But a marriage with the help of

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Karanathans will generally cost at least Rs. 60 even for a couple of small means. So, that consideration is also one which ought to prevail upon us to legalise marriages entered into by means of consent evidenced by a registered deed.

The amendment will discourage and decrease the undue influence of Karanathans in the matter of marriages. The most beneficial marriages from a biological and sociological point of view are those entered into by the free choice of the parties themselves without the necessity to satisfy the whims of others.

It may be feared in certain quarters that inter-marriages between different castes or communities may be legalised by this amendment. It will not do so. Marriages between different castes or communities will not be legalised by the amendment if they are in contravention of recognised social custom and usage. The safeguard against such marriages is left intact by the amendment.

Marriages solemnised by the mutual consent of parties evidenced by a registered deed are very common among the Nayrs and other *marumakkathayam* communities. In my own *kara*, which is only about a square mile in area, four cases of such marriages among Nayars alone have come to my knowledge without my making any special enquiry at all. There are likely to be some others which have not come to my knowledge. Among other communities also in my *kara* I have come across such marriages. The number of *pakuthies* in Travancore is about 450, and each *pakuthi* may consist on the average of about five karas. Even if there are on the average only four marriages of the kind in each *kara*, the total number of marriages will be about 9,000. It will be a very serious matter indeed to the community to put all these marriages under the danger of being declared to be invalid or void when occasion arises. Another matter that has to be remembered in this connection is this. The mischief of uncertainty about the validity or the invalidity of the marriage does not even cease with the dissolution of the marriage by the death of either party. The children are likely to be declared bastards. My own experience is that the generality of people among the Nayars regard the marriages in question as quite proper. When some respectable gentlemen of good general education were told that such marriages can be declared invalid by courts of law under the new Regulation, they were shocked and surprised. I know as a matter of fact that such marriages have been recognised by *Karayogams* and registered in their books when the matter was brought before them by interested parties.

**MR. A. K. PILLAI** (*Karunagapalli*): May I draw your attention, Sir, to Standing Order No. 30 wherein it is stated that a speech is necessary only in case of opposition?

**MR. G. RAMAN MENON** (*Mavelikara* cum *Kartikapalli*): I do not hear.

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**PRESIDENT**: Mr. A. K. Pillai draws attention to Standing Order No. 30 which says that a speech is necessary only in case of opposition. In your case there is no opposition.

**MR. K. MADHAVAN PILLAI** (*Trivandrum cum Neduvangad*): There is opposition.

**MR. A. K. PILLAI** (*Karunagapalli*): When any asks for leave to introduce a Bill, I don't think he should anticipate opposition.

The clause runs as follows:—

"If a motion for leave to introduce is opposed, the President after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from a member who opposes the motion may without further debate put the question thereon."

**PRESIDENT**: It is not excluded.

**MR. K. K. THOMAS** (*Kottayam*): Another point of order, Sir. Rule 30 (1) of the Legislative Council Rules says:

"Any member other than a member acting on behalf of Government desiring to move for leave to introduce a Bill shall give notice of his intention and shall together with the notice submit a copy of the Bill and a full Statement of Objects and Reasons."

As a matter of fact, we have not got a copy of the Bill and we do not know the objects and reasons.

**PRESIDENT**: He has to submit it to the Government.

**MR. K. K. THOMAS** (*Kottayam*): It is not so stated. It is the Council that has to sanction it.

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha*): Sir, before you give a ruling on the subject, some of the other members would also like to speak on it.

**PRESIDENT**: I allow them to speak on the point of order.

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha*): Sir, I wish to offer a few observations upon the point of order raised by Mr. Thomas. In my opinion, the objection that he raised seems to me valid. Rule 30 (1) of the Legislative Council Rules says:

"Any member other than a member acting on behalf of Government desiring to move for leave to introduce a Bill shall give notice of his intention and shall together with the notice submit a copy of the Bill and a full Statement of Objects and Reasons."

It is not mentioned in that particular rule, to whom a copy of the Bill has to be submitted. Evidently, occurring as it does, in the rules regulating the procedure of the Legislative Council, one has to presume that it is to be submitted to the President of the Council for the purpose of use in the Council. Probably, I would also suggest that the rule intends and contemplates circulation of a copy of the Bill among the members of the Council. The subsequent rule in this matter may also be scanned in this connection. Sub-rule (3) of Rule 30 says:—

"If any question arises whether a Bill is or is not a Bill which requires sanction under the Travancore Legislative Council Regulation, the question shall be referred to the Dewan, and his decision on the question shall be final."

Certainly therefore, sub-rule (3) contemplates a case of any opposition being offered to the introduction of a Bill in the Council.

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Now, can it be expected that any member in the Council will be able to raise any objection to a Bill without his being able to read it? Therefore reading sub-clauses (1) and (3) together, the intention to be gathered is that the rules contemplate a circulation of the copy of the Bill submitted by the member before he applies for leave to introduce the same. Under these circumstances, Mr. Thomas's objection has some force. No doubt, there are other rules which make the publication of the rules in the Gazette obligatory and all that. That is the publication of the Bill so far as the outside world is concerned. That is *different* and *distinct* from this particular provision which insists upon the submission of the Bill to the Council. That necessarily implies that there must be circulation among the members and without a circulation of the Bill among the members of the Council we are unable to raise any objection to the introduction of the Bill. In these circumstances, I think there is some force in the objection raised by Mr. Thomas.

**MR. G. RAMAN MENON** (*Mavelikara cum Kartikapalli*): I wish to speak a few words on the point or order. Rule 30 (1) says:

"Any member other than a member acting on behalf of Government desiring to move for leave to introduce a Bill shall give notice of his intention and shall together with the notice submit a copy of the Bill and a full Statement of Objects and Reasons."

I have done so. I have given notice to the Secretary and I have also submitted a copy of the Bill along with the Statement of Objects and Reasons. It is only because of that, it was included in the agenda. I admit that there has been no circulation of the Bill among the members. Of course, I am not empowerd to do it. It is the Secretary that has to do it. I do not say that the Secretary is bound to circulate the Bill at this stage. It has to be remembered that my motion at present is only a motion for leave to introduce. So I think it is not essential that a copy of the Bill should be circulated beforehand. Because that has not been done, I have merely been trying to explain the chief provisions in the Bill to meet possible misconceptions so that here may not be any opposition without understanding the nature of the amendments. So, under the rules, I think that the motion is quite in order.

**MR. S. PIRAVIPERUMAL PILLAI** (*Commerce and Industry, South*): Sir, Standing Order 29 says:—

"When a Bill has been published under Rule 29 of the Travancore Legislative Council Rules, a copy of the Bill and of the Statement of Objects and Reasons shall be sent to every member."

**MR. V. SUBBA AIYAR** (*Nominated*) (*Deputy President*): That is only after publication.

**MR. K. I. JOSEPH** (*Minachil cum Devicolam*): Under Standing Order 10—

"Every notice required by the rules or Standing Orders shall be given in writing addressed to the Secretary and signed by the member giving notice and shall be left at the Council Office which shall be open for this purpose between the hours of 11 A. M. and 3 P. M. on every day except Sunday or a public holiday."

This notice under Rule 30 also comes under this Standing Order No. 10. Since Mr. Raman Menon has given notice to the Secretary in due form, I think this is sufficient notice under the Standing Orders.

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**MR. KAYYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Sir, there is no warrant whatever for Mr. Narayana Pillai's statement that the Bill has to be submitted to the Council. As Mr. K. I. Joseph has pointed out, the notice of the motion for leave to introduce a Bill as in the case of every other notice has to be given to the Secretary and not to the Council. That has been done in this case and with the notice a copy of the Bill has been sent. Therefore, there is no ground for saying that the Bill should have been circulated among the members. Standing Order 29 makes it clear that it has to be done only after publication.

**MR. K. SIVARAMA PANIKKAR** (*Shertallai*): Are members entitled to oppose the permission of introduction at this stage?

**MR. KAYYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Yes.

**MR. G. RAMAN MENON** (*Mavelikara* cum *Kartikapalli*): May I know whether in the case of the Namputiri Bill, this course of publication or circulation has been adopted?

**MR. KAYYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): No. Coppies of the Bill have not been circulated or published.

**MR. A. K. PILLAI** (*Karunagapalli*): I find that the requirements of the notice have been satisfied. Under the circumstances, Mr. Raman Menon is perfectly right in having followed up with an explanatory speech and also giving the House a full text of the amendment. So I think I was not quite right in drawing the attention of the President to Rule 30. So I am of opinion that Mr. G. Raman Menon's motion for leave to introduce the Bill should not be vitiated for want of circulation of the Bill among the members.

**PRESIDENT**: My ruling upon the point raised is that the requirements have been met in Mr. G. Raman Menon's case. In other words, all that is necessary is that a copy of the Bill should be sent to the Secretary who will place it before the President for consideration on administrative grounds whether the Bill may be brought up or not. The circulation of the Bill is not necessary at this stage. Mr. Raman Menon, you may proceed with your speech.

**MR. G. RAMAN MENON** (*Mavelikara* cum *Kartikapalli*): Under these circumstances, it seems to me that it will be very mischievous, unsocial and unscientific to allow such marriages to be considered to be void or invalid. Law should recognise what is recognised by legitimate social conscience in this respect. It may be said that the amendment may encourage young people to enter into marriage without consulting their elders in the families or the communities. There are some young persons of that kind in all communities. They may be right or wrong according to the circumstances of each case. Even now such persons have conveniences for entering into marriage without the consent of their elders and they do enter into marriage. The amendment will only give an opportunity for reflection to such people if they decide on marriage by a registered document by

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having to go to a Government office and to record their consent before a Government officer of fair social status and education. Marriages under undue influence or coercion are liable to be frustrated to a greater extent if they are to be solemnised by mutual consent evidenced by a registered document than when solemnised by mere presentation of cloth.

No particular religious ceremonies are required among the Nayars for a proper marriage. The amendment in question does not in any way prevent marriages from being considered to be sacred from a religious point of view or from other points of view for that matter. That is a matter of opinion and will depend on the character of the parties concerned.

**MR. K. SIVARAMA PANIKKAR** (*Shertallai*): I rise to a point of order. Standing Order No. 30 contemplates that a speech at this stage is expected only if the permission asked for is opposed. Now the motion has not yet been opposed and therefore no speech is necessary.

**PRESIDENT**: Not necessarily, Mr. Sivarama Panikkar. Mr. Raman Menon has to give the reasons which necessitated the introduction of the Bill.

**MR. K. SIVARAMA PANIKKAR** (*Shertallai*): Standing Order No. 30 does not require the member to give a speech. This is what it says:

"If a motion for leave to introduce a Bill is opposed, the President after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from a member who opposes the motion, may without further debate put the question thereon.

**PRESIDENT**: That would be the case if there is opposition. We must assume that the members are anxious to know what they are about to sanction before they give their assent to it.

**MR. G. RAMAN MENON** (*Mavelikara* cum *Kartikapalli*): Legitimate individual freedom should be allowed at least in this respect. The Nayar Regulation does not recognise the necessity for any religious ceremony in connection with marriage. So the consideration of religious ceremonies or the question whether marriage among the Nayars is a sacrament or not is not relevant in considering the amendment in question. It seems to me that the mutual consent of the parties is the truly solemn, legal, moral and religious element in marriage and that is just the same whatever may be the formalities required for expressing such consent. This point is however a matter of opinion which is not necessary to be considered under the circumstances. As regards Nayar marriages complete religious freedom is allowed by the Regulation as well as by social custom and usuage. No sane citizen will on proper consideration consent to go back upon the legitimate and existing freedom of that community.

Now I proceed to the second amendment. This is the amendment.

"*Delete Section 35 of the said Regulation*."

Section 35 of Reguiation II of 1100 runs as follows:

"When a tarwad consists of only one adult member and minors, the adult member shall not be entitled to divide from the minor members."

Section 35 of the Regulation disabling a sole adult member of a tarwad from dividing from the minors in the tarwad is unnecessary and unfair to the adult member. It is moreover really

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dangerous to the interests and even the lives of the minors themselves. The general provisions of law and equity are quite sufficient for safeguarding, so far as this is possible, the legitimate interests of minors in a tarwad even when there is only one adult member in the tarwad and he is allowed to divide his share of the tarwad property from the shares of the minors. It is a principle of equity that the interests of guardians and minors should never be contrary to each other. In the case contemplated by Section 35, if that Section exists, the interests of the minors and of their guardians are quite contrary to each other. Such a state of affairs is certainly against all principles of jurisprudence and commonsense.

Now I shall proceed to the third amendment.

*Add the following explanation to Section 39 of the said Regulation, viz.*

*"Explanation—The word 'Partition' in this Section means and includes, so far as any particular member or members of a tarwad, who is or are entitled to claim partition, is or are concerned, not only the actual or physical separation of his or her or their share of the tarwad property from the rest, but also any procedure by which he or she or they unmistakeably shows or show his or her or their intention to regard his or her or their interest in the tarwad property as distinct and separate from the rest."*

Section 39 of the Regulation runs as follows:

"Until partition, no member of the tarwad shall be deemed to have a definite share in the tarwad property liable to be seized in execution, nor shall such member be deemed to have any alienable or heritable interest therein."

The explanation that I wish to add to this Section is a very important and necessary one. It is necessary to define the word 'partition' occurring in Section 39. Otherwise, different Judges are likely to interpret Section 39 in different ways. For instance, it is a moot question at present even among able lawyers whether the wife and children of a Nayar who sues or gives notice for partition or registers a document stating that he considers his right and interest in the tarwad property as his separate property from a particular date and dies before partition is decreed or is actually effected, are entitled to get the latter's share of the tarwad property. Similar difficulties may arise in regard to the debts of, or the inheritance to, any Nayar, male or female. According to the general principles of law and equity, any person who unmistakably shows his intention to get his share of the tarwad property separated from the rest when he has the right to claim partition should in law be regarded as having actually partitioned his share from the rest. The proposed explanation to Section 39 is added for making this point clear.

In conclusion, I may say that all these amendments have been necessitated by actual experience of the working of the Regulation. Cases of marriages evidenced by registered documents have come before the subordinate civil and criminal courts and have been decided by different Judges and Magistrates in different ways. Poor people are not likely to take them up to the High Court. Even if they are so taken, different Judges at different times, under the present condition of the law and other circumstances, are likely to give different decisions as we know from actual experience in other matters. So it is the duty of the

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legislature to make the point clear and definite in accordance with juristic and sociological principles. A court of law is generally neither free nor competent to do so.

Cases under Section 39 of the Regulation have also come before the subordinate courts. I do not know whether any decision has as yet been given by any court on the point. It is the duty of the legislature to consider the matter as soon as possible from a broad and scientific point of view before courts of law bungle in the matter. They cannot help bungling in such matters as they are, as I remarked before, neither free nor competent to consider the question as it ought to be considered. They are bound down by forms and precedents which are very often unscientific and therefore harmful to the communities and to the State as a whole. The legislature alone is free and competent to cure such defects in a beneficial and effective manner. We should not shirk the responsibility even for a single moment. Every moment that the law remains as it is, incalculable harm is being done to the community and to the State as a whole.

As regards Section 35, I know of no actual case which has as yet come before a court of law. This is due to the nature of the provision itself. But difficulties and hardships to minors and the adult members have actually arisen in a few instances. Some persons interested in such minors have pointed out to me the actual disadvantages which have arisen in some cases. A number of families coming under the operation of Section 35 may be small. But that is no reason why the legislature should for a single moment delay in curing a defect or danger which has been brought into existence by its own action. It may often be a matter of life and death to several innocent human beings. All the amendments are very important and require to be considered and decided upon. I therefore request that leave may be granted to introduce the Bill as early as possible.

**MR. A. K. PILLAI** (*Karunagapalli*): I second the motion.

**MR. G. PARAMESVARAN PILLAI** (*Neyyattinkara*): I strongly oppose Mr. Raman Menon's motion for leave to introduce a Bill to amend the Nayar Regulation. As he has already observed, it is now about a year since the existing Nayar Regulation was passed by this House. I am indeed surprised to find that an amending Bill is sought to be introduced in this House so soon after the promulgation of that measure which was considered by this House at very great length and, as I think, very satisfactorily. The amendments which my friend seeks to introduce now in the Bill have all been considered in the previous sessions and disposed of in the manner they deserved. I am afraid that the Nayar community will certainly not thank Mr. Raman Menon for his endeavours to unsettle the provisions which are now embodied in the Nayar Regulation. I must also say that there should be some stability about the social laws of the community. They should not be made subject to modifications to suit the whims and fancies of individual members of successive sessions of the Legislative Council. It is all the more necessary, because it affects the rights relating to marriage and



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[Mr. G. Parameswaran Pillai.]

property of the community, that they should not be lightly dealt with in this manner. I deprecate any such attempt on the part of any member of this House unless such an amendment has been proved beyond the shadow of a doubt to be beneficial to the community. Even the slightest step should not be taken by this legislature to amend the law unless there is a great public demand for such an amendment. Although in the ordinary course leave to introduce the Bill may be granted, I assume this attitude for the reason that it affects the social laws of a community. If once we grant permission to introduce a Bill to amend the Nayar Regulation so soon after the introduction of the existing Nayar Regulation, I believe the results will be disastrous and dangerous, and I would therefore strongly oppose the introduction of this measure in this House at this stage.

**MR. M. SIVATANU PILLAI** (*Tovala*): May I know what Mr. Parameswaran Pillai's opinion is with regard to Mr. Raman Menon's remarks that marriage among the Nayar community has no religious sanction behind it?

**MR. G. PARAMESVARAN PILLAI** (*Neyyattinkara*): This is not the stage at which the merits of any provision in the Regulation should be considered. I say there is absolutely no necessity made out for the introduction of a Bill of this nature. The merits of all the provisions in the Nayar Regulation have been fully considered before.

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha*): (*Rising to speak.*)

**MR. A. K. PILLAI** (*Karunagapalli*): According to Standing Order No. 30 only one member can speak and only one member can oppose the motion.

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha*): Does the Standing Order mean that?

**MR. A. K. PILLAI** (*Karunagapalli*): Yes.

**MR. V. SUBBA AIYAR** (*Nominated*) (*Deputy President*): I do not think we should allow a discussion on the motion by all the members.

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha*): The President may after hearing the mover and the opposer put the matter to the vote. It is entirely left to the President to decide the matter. The President may adopt a particular course. But that does not mean that the President must necessarily be pinned to that position.

**PRESIDENT**: Will those in favour of introduction of the Bill hold up their hands, please? Official members will vote according to their convictions.

**MR. G. RAMAN MENON** (*Mavelikara* cum *Kartikapalli*): Have I not a right of reply, Sir?

**PRESIDENT**: No.

**MR. G. RAMAN MENON** (*Mavelikara* cum *Kartikapalli*): Even after opposition? If a motion for leave to introduce a Bill is opposed

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the President after hearing the member who moves and one who opposes the introduction may put the motion to the vote. Should not the mover be allowed to speak after the Bill is opposed ?

**PRESIDENT**: But the matter rests entirely in the President's discretion.

The question was put to the vote and lost.

**MR. G. RAMAN MENON** (*Mavelikara cum Kartikapalli*): Sir, I demand a poll.

A poll was taken with the following results:

AYES.—6.

| | |
|---|---|
| 1. Mr. R. Dhanukoti Pillai | 4. Mr. A. K. Pillai |
| 2. ,, K. George | 5. ,, G. Raman Menon |
| 3. ,, K. I. Joseph. | 6. ,, V. S. Subrahmanya Aiyar |

NOES—16.

| | |
|---|---|
| 1. Mr. C. P. Kochukunju Pillai | 10. Mr. Kallur Narayana Pillai |
| 2. ,, R. K. Krishna Pillai | 11. ,, P. K. Narayana Pillai |
| 3. Dr. N. Kunjan Pillai | 12. ,, M. N. Pillai |
| 4. Mr. T. Kumara Pillai | 13. ,, G. Paramesvaran Pillai |
| 5. ,, X. G. Lopez | 14. ,, Changanachery Paramesvaran Pillai |
| 6. ,, K. Madhavan Pillai | |
| 7. ,, P. Habeeb Mahomed | 15. Rao Bahadur K. V. Rangaswami Aiyangar |
| 8. ,, K. C. Mammen Mappillai | |
| 9. ,, G. Narayana Pillai | 16. Mr. K. Sivarama Panikkar |

NEUTRALS—24.

| | |
|---|---|
| 1. Mr. I. C. Chacko | 12. Mr. S. Piraviperumal Pillai |
| 2. ,, Paul Daniel | 13. ,, K. N. Ramasubba Aiyar |
| 3. ,, A. J. John | 14. ,, T. P. Ramasubba Aiyar |
| 4. ,, C. Kerala Varma Koil Tampuran | 15. ,, S. C. H. Robinson |
| | 16. ,, M. Sivatanu Pillai |
| 5. ,, R. Krishnaswami Aiyar | 17. ,, V. Subba Aiyar |
| 6. ,, N. Kumaran | 18. ,, M. Subrahmanya Pillai |
| 7. Mrs. M. Poonen Lukose | 19. ,, S. Subrahmanya Karayalar |
| 8. Mr. T. J. Matthew | |
| 9. ,, K. V. Natesa Aiyar | 20. ,, C. P. Tarakan |
| 10. ,, R. Padmanabhan | 21. ,, C. P. Thomas |
| 11. ,, Kayyalam Paramesvaran Pillai | 22. ,, K. K. Thomas |
| | 23. ,, C. N. Tuppan Namputiri |
| | 24. ,, A. J. Van Ross |

The motion was declared lost.

**MR. V. SUBBA AIYAR** (*Nominated*) (*Deputy President*): I think the neutrals have it. (*Laughter*).

(The President left the Hall at 1-55 P. M. and the Deputy President took the chair.)

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